

LEGISLATIVE COMMISSION ON INDIAN SERVICES

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LEGISLATIVE COMMISSION ON INDIAN SERVICES DRAFT SUMMARY MINUTES

Meeting Date: February 12, 2014

Meeting Location: State Capitol Bldg., Hearing Room 50
900 Court Street NE, Salem, OR 97301

Called to Order: The meeting came to order at 9:08 a.m.

Adjourned: The meeting concluded at 2:20 p.m.

Members Present:

1. Dan Courtney, Cow Creek Band of Umpqua Tribe of Indians
2. Leo Stewart, Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
3. Brenda Meade, Coquille Indian Tribe
4. Cheryle Kennedy, Confederated Tribes of Grand Ronde
5. Raymond Tsumpti, Confederated Tribes of Warm Springs
6. Jackie Mercer
7. Bob Garcia, Confederated Tribes of Coos, Lower Umpqua and Siuslaw

Absent

1. Don Gentry, Klamath Tribes
2. Dee Pigsley, Confederated Tribes of Siletz
3. Charlotte Roderique, Burns Paiute
4. Arnie Roblan, Senator

Staff

1. Karen M. Quigley
2. Dianna Brainard-King

In Attendance:

1. Ted Ferrioli, Senate Republican Leader
2. Caddy McKeown, Representative
3. Greg Smith, Representative

Chair Dan Courtney opened the meeting at 9:08 a.m. on February 12, 2014. He wanted to welcome everybody here today, and announced we are going to start with the invocation. Cheryle is going to lead us into that.

Cheryle opened with the invocation.

Karen shared that Dee Pigsley was not able to make it today due to family illness. Karen also shared Rep. McKeown would be able to attend periodically, and Senator's Ferrioli and Roblan would be able to attend hopefully later this afternoon.

Caddy apologized for herself and Senators Ferrioli and Roblan, who are very busy during this short legislative session.

Dan thanked Caddy. He asked if there were any additions to the agenda, and upon not hearing any additions he shared the minutes would be carried over to our next meeting. He asked Karen for her staff report.

Karen thanked Dan and explained in the past this office has had some difficulties with their recoding equipment. Karen was hopeful with the state-of-the-art equipment available in the hearing rooms this would no longer be an issue. Karen plans to provide this Commission with her executive director notes from the October meeting for their review, than finalize those as minutes.

Karen introduced Dianna Brainard-King, her new Commission Assistant. Dianna came from the Oregon Youth Authority, and previously from the Department of Education and the Oregon State Police. Dianna assisted Jack Lawson with note taking at the Public Safety Cluster meetings.

Karen reviewed the quarterly Commission budget report, pointing out the other funds budget is at zero dollars. Karen explained the Commission is able to take in funds up to \$6,500 to cover items not covered in the general fund budget, which is where donations from Commission members goes. Karen thanked Cow Creek, Grand Ronde and Coquille for providing donations to cover the event tomorrow, which will include all nine tribes.

Karen discussed the Spring Gathering Retreat, sharing a flyer with Commission members. The Spring Gathering will focus on training and education, as requested by members. She went over three separate handbooks that would be directed at different groups, including Commission members, legislators and state agencies, and an all-purpose handbook with basic facts about LCIS, tribal governments, Indians in Oregon, etc.

LCIS will be updating the key contact directory, conducting a survey to make the information on the website more efficient, restart a newsletter on perhaps a quarterly basis, and make sure that all state agencies have the statute for the government-to-government law, as there has been some new state agencies added.

We are also hopeful within the next couple of weeks to have posted all the annual reports on the website. Karen shared there are three reports in their packets from state agencies who will be presenting to this Commission today.

Karen discussed further the Spring Gathering which may be something this Commission may want to consider as an annual event. Karen stated the Spring Gathering would be a time to remind state agencies what it means to work with tribal governments, which is distinct and very enriching for all of Oregon. It is a great opportunity to hear what clusters are doing from one another, and an opportunity to offer some training, and to build and maintain relationships.

Cheryle thanked Karen for her report and discussed a concern she had with clusters making decisions during group meetings without tribal leaders being in attendance, as well as tribes hosting trainings for state agency where not all of the agencies really participate to the degree

that they need to. This causes a lack of understanding and little is accomplished. Cheryle requested this Commission really think about that and come up with some conclusions on how to hold cluster group meetings and trainings in a more organized way.

Caddy agreed and discussed the need for robust communication and developed relationships. Caddy suggested the Governor's staff and legislators who work with this Commission work with state agencies and the tribes to make sure these are meaningful meetings. Caddy offered to help in any way.

Leo thanked Caddy and discussed the need for consultation with the tribes.

Caddy agreed stating more robust communication needs to occur.

Karen agreed on stronger communication being made and stated cluster group meetings are not supposed to be making final decisions, but rather to communicate what's an issue. She felt the Spring Gathering would be a chance for Commission members to make those types of pronouncements and to hear the legislative input to see what state agencies are doing. There are additional forms of communication outside of the Governor's Office.

Dan discussed tomorrow's tribal legislative day event here at the Capitol in the Galleria. Dan announced National American Indian Week in Oregon occurs in May, and he was hopeful Governor Kitzhaber would be able to sign the Proclamation as well as hold a meeting with tribal leaders.

Leo shared he received a letter stating this Commission was offered to hold a meeting with the governor the first part of 2014. Leo wishes to hold that meeting.

Dan shared he would follow-up on that request.

Bob thought it would be great to meet with the governor if we focused our attention on issues, such as education and vocational training. He discussed the University of Oregon's new position and his concern around individual boards, universities, and all state government's following SB770 and not just those who we hold cluster groups with.

Karen shared the Chancellor's Office representing OUS has been providing an annual report for several years. The last legislative session created the ability for independent boards at particular universities. Now each of those universities should provide an annual report. If they need to be alerted to their responsibility she will follow up on that.

Cheryle discussed her concern around Native American education and the Education Cluster groups need to address this situation. She stated "tribal governments of Oregon have a unique standing; they are a government, it's different than all the other minority groups in Oregon, so to erase the face of tribes in Oregon and their presence is really counterproductive in all the efforts that we've been working on, and that's to implement Native American curriculum in public schools of Oregon, and this at this higher level is very concerning."

Dan asked Commission members to send messages to Karen so she would be able to send those out to members. He asked Jackie Mercer to introduce the NARA presenters.

Jackie asked the two presenters to introduce themselves to the Commission and shared Solomon would be playing a drum and singing a song for the Commission. Shane Lopez-

Johnston introduced himself followed by Solomon Trimble, who sang a song and played a hand drum.

Shane shared he has been with NARA for 4 ½-years, working in the youth programs. He explained how funding is achieved through federal grants, and how culture is a large part of their treatment programs. Alcohol & Drug (A&D) as well as mental health counselors are involved in the treatment process, as well as an AmeriCorps volunteer. They network with other programs such as Christie Care's Cedar Bough, NAYA and the Northwest Portland Area Health Board. They incorporate Tribal Best Practices and evidence-based practices. NARA holds quarterly meetings with all nine federally recognized tribes.

Solomon shared he volunteered with his mother at NARA when he was 14, teaching the sacredness, traditional use of tobacco. He shared both he and Shane were attracted to NARA's approach of healing the family first. They ask youth what they need. They work with all Native Americans, not only the nine federally recognized tribes. He discussed the Lesbian, Gay, Bisexual, Transgender, Queer (LGBTQ) community and Shane and Solomon started the first "Two Spirit" groups for Native Americans. They work with the tribes to collect tapes and dictionaries of native languages to teach youth, and they teach healing songs to help communicate with family.

Shane discussed the music lab NARA has to record their songs.

Solomon NARA gathers family members on a weekly basis and provides cultural activities such as making hand drums, moccasins or bead work, and hosts storytellers.

Shane discussed the computer lab NARA houses, résumé assistance, FAFSA (Free Application for Federal Student Aid) assistance, partnerships with JobCorps and Youth Builders, and their new equine program.

Cheryle thanked them for their presentation and commended them for the choices they made. Discussed more dialogue on how Native Americans have overcome difficulties and how they stay on course.

Raymond discussed the need to make Native Americans hungry to learn about their culture, and the history of how tribal members were divided and placed on reservations depending on where they were located, yet we are all Native Americans. He commended the presenters for working with youth and their families and stated it was a big project to take on.

Brenda thanked them for their presentation and for teaching youth about their culture.

Dan thanked the presenters and commended them for their work.

Shane and Solomon presented Commission members with beanies and smudge.

Dan introduced Paul Warner from the Legislative Revenue Office.

Paul Warner thanked the Commission for inviting him today. Discussed what his office does and the revenue structure for the State. He went over a couple of handouts.

- The Legislative Revenue Office was created in 1975
- Operates under the notion that they are unbiased, non-partisan and therefore do not estimate too high or too low in regards to the budget

- Prepare revenue impact statements
- Reviews every bill that goes through legislature to find out if there is a potential revenue impact
- Are required by the Constitution to balance Oregon's general fund, so our revenue impact estimate has to be based on whether we have a balanced budget or not
- The Executive Branch is responsible for forecasting revenue under current law
- Personal income tax dominant factor in general fund
- General Fund about 25% of the All Funds Budget
- General Fund relies on income tax and is very volatile
- Federal Funds very important source of revenue
- Property tax is the cornerstone of the local tax systems

Bob asked if revenue impacts for tribal governments are conducted, but Paul said they do not typically do that. Bob discussed the issue when Portland was considering developing private casinos and how there was information on how that would affect the Oregon Lottery but not the tribal casinos and therefore tribal governments. Paul explained that would be reviewed by what is called the "price tag committee" who includes members such as the Secretary of State, the State Treasurer, and the Director for the Department of Revenue. They could add a requirement to estimate the financial impact on tribal governments. Bob discussed enterprise zones and Paul discussed the "but for" issue around whether or not a business would attract clients.

Cheryle discussed revenue research around the marijuana bill and Paul shared it would be difficult to know how that would be structured

Jackie asked about the beer and wine tax: were funds from that tax being used for alcohol and drug treatment and if some of the funds were still be given to the tribes. Paul did not know if tribes received any part of those funds collected. He shared 50% goes to mental health and 50% goes to OLCC distribution, and of that 50%, 65% goes to the States' General Fund and 35% goes to cities and counties. Oregon's beer and wine taxes are relatively low compared to other states

Bob questioned how allocations on tobacco taxes were made and Paul explained most of the funds go to the Oregon Health Authority, followed by General Funds and mental health.

Leo wondered where the federal funds tribes receive goes, and Paul stated State federal funds generally goes towards human resources, and allocations for federal funds is determined by the Legislative Ways & Means Committee. All federal funds are accounted for. Cheryle wondered if the State has audits conducted on their own offices and if they were held annually. Paul explained we are required to hold audits, though not annually but rather a case-by-case basis. The Secretary of State audits state and local activities, and the federal government has auditing capacity to make sure Oregon is following federal law.

Raymond reminisced the 1970's when the federal government and Oregon were debating over the amount of alcohol a driver could have before being arrested for drunk driving. A decision was not made until MADD (Mothers against Drunk Drivers) became involved. Raymond was concerned about repercussions from legalizing marijuana in regards to fatalities on the roadways, and wondered if federal funding would be decreased if we legalize the drug. Paul did not know because federally marijuana is an illegal drug, yet states including Oregon have medical marijuana laws in place, and now some states allow legalized recreational use of the drug.

Dan wondered if Paul's office ever has to explain to legislators why tribes don't pay taxes, but Paul did not believe so, as legislators understand the Tribes are sovereign governments. There has been discussion on casino funds and the Oregon Lottery. Dan offered for LCIS to arrange training for Paul's office on tribal government funding and other issues, and Paul shared great interest in this offer.

Dan shared Secretary of State Kate Brown has indicated interest in attending this committee's next meeting, so questions about auditing and price tag processes could be presented to her at that time.

Dan introduced Bruce Zimmerman, Tax Administrator for the Confederated Tribes of Umatilla Indian Reservation (CTUIR).

Bruce shared he has been CTUIR's tax administrator for over 18 years. Held a discussion on tribal sovereignty and self-government, and talked about fundamentals of working within tribal lands and how taxes are collected. Dec. 2012 - Bureau of Indian Affairs published new leasing regulations including their interpretation of ability of State and local governments to impose taxes on tribal lands. July 2013 - Chehalis, WA Thurston County questioned right to impose a property tax on tribal lands. Ninth Circuit Court stated tribal lands are not to be taxed by state and local governments.

The nine tribes have been meeting with the Oregon Department of Revenue, who suggested they educate legislature on why clarity is important. Bruce presented a proposal altering the existing statute, ORS 317.010 (definition of real property for the State of Oregon) to read "real property improvements located on tribal trust land are exempt from state and local taxation regardless of ownership".

There is no fiscal impact to the counties, no refunds from counties required. Bruce understands Umatilla Tribe is the only one who runs a property tax system, yet provides services that the county does not, including fire and 24-7 coverage for police.

Dan introduced Orion Falve, University of Oregon student graduate who began this Tribal Flags project at the university to show respect and solidarity to the nine federally recognized tribes by flying the tribal flags. He is reaching out to the nine tribes for support.

Break from 11:35 to 11:44.

Margaret Van Vilet and Robert Lee from Oregon Housing & Community Services discussed their agency. There are competitive funds and formulated funds available from this department. Cheryle discussed Section 8 and past views of the credibility of tribal courts. Margaret would like to look into issues tribes have had with obtaining Section 8 housing. At this time they do not meet with the tribes individually but are considering doing so to understand individual tribal community needs.

Eric Belt, Administrator for Veteran's Services Division discussed their office and benefits available to veteran's including compensation and pension, housing, and medical. They are currently serving five generations of veteran's beginning with WWII. They develop partnerships with county veteran offices. Cheryle wondered if tribes could take on the role of the two counties who currently don't have county offices, Polk and Marion, but Eric shared the statute is specific to counties. Yearly \$1.9 billion comes from the U.S. Department of Veteran's Affairs to Oregon, with compensation and pension taking up \$924 million. The committee held a discussion on dental insurance benefits for veterans. Eric clarified benefits received for veterans are earned

and are not donations. There are only about 30% of Oregon veteran's receiving benefits at this time, and the committee held a discussion on veteran's feeling their injuries are not as serious as others. Eric shared on an average 22 veteran's commit suicide every day in the United States, and the committee held a discussion on mental health needs of veterans. At this time they do not meet individually with Tribes unless asked.

Vicki McConnell, Department of Geology & Mineral Industries (DOGAMI) discussed her office, safety, cultural resources in regards to Oregon land, reflected on their website, and sending reps to the Cultural Cluster and the Natural Resource Workgroup. DOGAMI regulates mining and potential hazards such as Tsunamis. They work with the tribes on a case-by-case basis. The commission held a discussion on the quality and quantity of water, and Vicki explained DOGAMI works with mapping aquifers and water availability.

Katie Staton, Oregon Youth Authority's (OYA) Native American Coordinator discussed the role she has with OYA, including quarterly Native American Advisory Committee meetings and direct work with Native American youth within OYA's jurisdiction. Katie has personally met with every tribal youth within correctional facilities to make sure they are receiving services. Katie plans on visiting all nine tribes soon.

Nadja Jones, Oregon Department of Human Services (DHS) Tribal Liaison discussed the role she has with DHS, including assistance with tribal members and court, and additional programs available to tribes. Nadja shared her concern with a lack of Memorandum of Understandings (MOU) between DHS in regards to child welfare and three tribes: Umatilla, Klamath and Cow Creek. She has visits scheduled with tribes.

April Campbell, Oregon Department of Education (ODE), Indian Education Specialist discussed [Senate Bill 739](#), which requires ODE to build an information-based resource. April is asking the tribes to identify if the four bullets she has developed are the best categories.

- Overview of Oregon's 9 Tribes
- Tribal Sovereignty
- Relations with Federal and State Governments
- Tribal Culture

ODE will use a virtual website which teachers can access for cultural resources. Commission members directed April to touch base with education and culture managers/directors.

Commission Member Reports and Discussion

Cheryle spoke for Confederated Tribes of Grand Ronde

- Working on an MOA with the Veteran's Administration
- Implemented Emergency Plan during the recent snow storm, which provided an opportunity to serve tribal elders and staff
- Grand Ronde has developed a 5th grade tribal curriculum that is incorporated in the Willamina School District
- Grand Ronde held their 30th restoration anniversary last November, followed by a powwow and celebration within their plank house
- The Annual Tribal Leaders meeting with President Obama was held in D.C. last November. Issues that are brought up are placed in a bound document, and though actions may be slow Cheryle iterated it is important to be present
- Coos, Lower Umpqua, and Siuslaw donated funds to assist with Grand Ronde's museum
- 2014 budget finalized

- Gathering of Nations Powwow Jan 25th at the Oregon State Fairgrounds was well attended

Bob spoke for Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians

- Thanked Grand Ronde for contributing to their historical archiving project
- D.C. Government-to-Government meetings are important to attend, as well as follow-up to obtain goals
- Hollering Place work occurring. Looking for a destination place designation
- Looking for allocations to be given for specific entities; asking for lobbying assistance

Dan spoke for Cow Creek Band of Umpqua Tribe of Indians

- 2014 budget completed
- Health care, self-insurance is a challenge, researching different venues
- Health clinics are doing well
- Attended Jan. 25 Powwow in Salem
- Continue working on their cultural department

Jackie spoke for NARA

- Thanked Sen. Ferrioli for mental health funding information. Jackie followed-up with Dr. Goldberg and learned each tribe is supposed to be receiving \$100,000 in funds
- Important Medicaid folks understand commitment to the Open Card plan
- Garrett Lee Smith Grant – eligible to apply again
- Drumming took place

Leo spoke for Confederated Tribes of Umatilla

- December 2013 held new elections, Gary Burke is new Chair, Leo is Vice-chair
- Youth held their board elections as well
- Held their Retreat - one main topic is organizational excellence, trying to get people to work together
- Would like to have their own service officer within their tribe for Veteran Affairs
- Their Youth Foundation Group is going strong
- Discussed importance of SB739
- General discussion on tribal activities

Brenda spoke for Coquille Indian Tribe

- Having reports in one place is very helpful (on the LCIS website)
- Spring Gathering sounds like a great idea for tribes to give and receive information
- Reminded committee of promised meeting with the governor
- 25th Restoration celebration occurs in June; a week-long celebration with the hopes of bringing home members who have moved out of the area
- Powwow occurring June 28 and 29
- Their population just reached 1,000 members; need growth within housing and health care services
- New positions of Deputy Director and new Human Resource Director positions are being posted – a lot of people are retiring
- Combining cultural and educational department, which has been very successful

Raymond spoke for Confederated Tribes of Warm Springs

- Powwow was canceled due to equipment failure
- Fish and wildlife have been speaking with Oneida about cultural foods
- Commented on the two NARA performers from earlier, and youth from Chemawa Indian School

- Discussion on freedom of rights, denial of an applicant as Chief of Police – this may be an issue coming up

Senator Ferrioli reported on the Senate

- He is following the tax equity issue which may attract new opportunities for the Tribes and the State
- A bill has been presented to designate a strip of highway near Warm Springs as a Native American Veteran's highway
- Revisiting the mascot bill
- Marijuana issue – legalizing recreational use – potential problems
- Bill to allow sale of alcohol within grocery store
- Secretary of State held an audit on emergency preparedness for the State of Oregon and found there no operational emergency plan if there is a Tsunami, earthquake or other disaster (field stockades of food, medical supplies, etc.)
- Cover Oregon – federal audit. Questions why legislature can't exercise good oversight, gateways and check points were not allowed to be put into place. Not a single person within the State of Oregon has been registered electronically – a big failure
- First responder interoperability began the day after Sept. 11, 2001, with estimates of \$400 to \$600 million to provide police and fire with secure communications. We don't have this yet. Legislators sometimes are not told the truth during public meetings
- Legislation is close to being done on this short session

Representative Greg Smith

- Importance of working together
- Need to review economic development issues
- Create jobs to create revenue

Lynn Saxton and Adam Bisenti with Cedar Bough gave a presentation on their program, with an 80% plus success rate of youth who have gone through their mental health program. Jackie thanked them for their quick response to requests, and their partnership with NARA.

Representative Smith shared he has recently been appointed to the Chair of the Budget Committee for the House Republican caucus. He thanked the committee members for attending.

Public testimony

Kathy Sampson-Kruse shared she is a retired social worker with the Walla Walla Tribe. She discussed a letter that was sent to Governor Kitzhaber's office, December 9, 2013, which they have yet to hear a response. Her concern was around carbon footprints and the Oregon Department of Transportation.

Leo thanked Kathy and agreed we need to have a clearer understanding of what our environment needs.

Leo would like to see a letter from Dan to the Governor's office.

The meeting was adjourned at 2:45pm.